

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JAMIE RODRIGUEZ,

Plaintiff,

-against-

**STIPULATION OF  
SETTLEMENT AND  
ORDER OF DISMISSAL**

06 CV 1152 (CBA) (LB)

THE CITY OF NEW YORK, POLICE COMMISSIONER  
RAYMOND W. KELLY, INSPECTOR BARRERE,  
POLICE OFFICER WALTON MATOS, POLICE  
OFFICER ADRIAN HARRIS, SERGEANT JOHN  
MARCHELLO, POLICE OFFICER MICHAEL  
INTERDONATI, POLICE OFFICER RENZO SILVA,  
JOHN DOE #1,

Defendants.  
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**WHEREAS**, plaintiff commenced this action by filing a complaint on or about February 24, 2006, alleging that defendants violated plaintiff's federal civil and state common law rights; and

**WHEREAS**, defendants City of New York, Police Commissioner Raymond Kelly, Inspector Barrere, Sergeant John Marchello, Police Officer Walton Matos, Police Officer Adrian Harris, Police Officer Renzo Silva and Police Officer Michael Interdonati have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff the sum of Nine Thousand Five Hundred (\$9,500.00) Dollars in full satisfaction of all claims, including for attorney's fees, costs and expenses. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendants including, defendants Police Commissioner Raymond Kelly, Inspector Barrere, Sergeant John Marchello, Police Officer Walton Matos, Police Officer Adrian Harris, Police Officer Renzo Silva and Police Officer Michael Interdonati and to release defendants, and any present or former employees and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that defendants have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
April 24, 2007

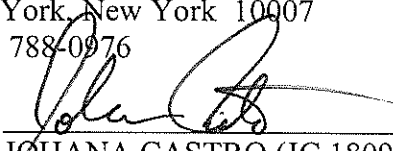
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By:

  
NICOLE BELLINA (NB7154 )

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendants City of New York,  
Police Commissioner Raymond Kelly,  
Inspector Barrere, Sergeant John Marchello,  
Police Officer Walton Matos, Police Officer  
Adrian Harris, Police Officer Renzo Silva  
and Police Officer Michael Interdonati  
100 Church Street, Room 3-189  
New York, New York 10007  
(212) 788-0976

By:

  
JOHANA CASTRO (JC 1809)  
Assistant Corporation Counsel

SO ORDERED:

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U.S.D.J.